

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 4:10CR3125
)
v.)
) MEMORANDUM AND ORDER
DELFINO VARGAS-BERNAL,)
)
Defendant.)

The defendant has orally moved to continue the pretrial motion deadline currently set for January 14, 2011. Filing No. 30. Defense counsel explains he needs additional time to review information and confer with defendant. The court finds the motion should be granted.

IT IS ORDERED:

- 1) The defendant's unopposed oral motion to continue, (filing no. 30), is granted and the defendant's pretrial motions and briefs shall be filed on or before January 28, 2011.
- 2) The ends of justice will be served by granting defendant's motion to continue the pretrial motion deadline, and outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between **January 14, 2011** and **January 28, 2011**, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).
- 3) The trial of this case remains set to commence on February 14, 2011 before Judge Kopf.

January 13, 2011.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge